

DRUG-FREE WORKPLACE POLICY

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in a state agency's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.
3. Each employee is required by law to inform the agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court or other court of competent jurisdiction.
4. State Bank Dept. (place the name of the agency which will be responsible for reporting the conviction) must notify the U.S. government agency with which the contract was made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the agency may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THOSE PRESENTS SHALL COME-GREETINGS: EO-89-2

EXECUTIVE ORDER TO REQUIRE STATE AGENCIES, BOARDS, COMMISSIONS, AND INSTITUTIONS OF HIGHER EDUCATION RECEIVING FEDERAL CONTRACTS OR GRANTS OF \$25,000 OR MORE AWARDED ON OR AFTER MARCH 18, 1989, OR SIGNIFICANTLY AMENDED ON OR AFTER SAID DATE, TO COMPLY WITH THE CERTIFICATION REQUIREMENTS OF THE DRUG FREE WORKPLACE ACT OF 1988, AND TO APPLY THE RESTRICTIONS OF THE DRUG FREE WORKPLACE ACT OF 1988 TO ALL STATE AGENCIES REGARDLESS OF WHETHER THEY RECEIVE FEDERAL CONTRACTS OR GRANTS.

WHEREAS, The Drug Free Workplace Act of 1988 requires contractors and grantees of federal agencies to certify that they will provide a drug free workplace; and

WHEREAS, Under the Act, federal contractors must: publish a policy statement indicating the contractor provides a drug free workplace; communicate that policy to their employees directly engaged in the performance of work pursuant to that contract; establish a drug free awareness program; notify the contracting agency of any such employees' conviction for any drug-related violation on the contractor's premises; impose sanctions on such convicted employees; and make a good faith effort to continue to maintain a drug free workplace; and

WHEREAS, Many state government agencies receive contracts of \$25,000, or more, or are the recipients of federal grants for the same amount, or more; and

WHEREAS, Contractors which fail to comply with the terms of the Drug Free Workplace Act of 1988 may be subject to suspension of contract payments, contract termination, or suspension or debarment from future government awards, and;

WHEREAS, It is in the best interest of the people of the state of Arkansas that the standards established by the Drug Free Workplace Act of 1988 be applied to all agencies of the state regardless of whether the agency receives federal contracts or grants;

WHEREAS, I, Bill Clinton, Acting under the authority vested in me as Governor of the State of Arkansas, do hereby order the implementation of the following Drug Free Workplace Policy:

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees and the public at large and may cause damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substance in a state agency's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance, or uses a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to heroin, marijuana, cocaine, PCP and "crack." They also include "legal drugs" which are not prescribed by a licensed physician.
3. Each employee is required by law to inform the agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court or other court of competent jurisdiction.
4. State agencies which receive federal contracts or grants must notify the U. S. government agency with which the contract was made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.
5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the agency may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment on any federal government contract or with any state agency, the law requires all employees to abide by this policy.

NOW, THEREFORE, I, Bill Clinton, acting under the authority vested in me as Governor of the State of Arkansas, do hereby order:

- (1) Each state agency acting as contractor as defined in the Drug Free Workplace

Act of 1988, shall certify for each grant or contract awarded by federal grantor agencies that such state agency will provide a drug free workplace;

- (2) Each contracting state agency shall communicate such policy to those employees covered under the Act, and maintain proof of such communication in the agency's records;
- (3) ✓ Each contracting state agency shall establish a drug free awareness program;
- (4) Each contracting state agency shall notify the federal agency of any covered employee's conviction for any drug related violation occurring on the agency's premises, and impose sanctions on any employee so convicted;
- (5) Each contracting state agency shall make a good faith effort to continue to maintain a drug free workplace;
- (6) The Administrative Head or Director of each contracting state agency covered under the provisions of the Drug Free Workplace Act and this Order shall be responsible for compliance with the reporting and certification procedures of the Act, and shall maintain, in the official records of the agency, appropriate documentation as may be necessary to demonstrate such compliance.
- (7) State agencies which do not receive federal contracts or grants shall be subject to the same regulations except in the requirements for notification of federal agencies.

This order shall become effective 30th.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 30th day of March in the year of our Lord nineteen hundred and eighty-nine.



Bill Clinton
GOVERNOR

Jim Doffner
SECRETARY OF STATE

ACKNOWLEDGEMENT

I, _____, as a prospective employee of the Arkansas State Bank Department, hereby certify that I have received a copy of this agency's policy regarding the maintenance of a drug free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on this agency's premises and violation of this policy can subject me to discipline, up to and including termination. I realize that as a condition of employment on such federal contract, I must abide by the terms of this policy and will notify my employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law mandates that my employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Signed _____

Date _____